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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6431  
New Hampshire Republican State )  
Majority Committee; Friends of Kelly )  
Ayotte and H. Scott Flegal, in his official )  
capacity as treasurer )

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on November 01, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 3-3 to:
  - a. Find no reason to believe that the New Hampshire Republican State Majority Committee violated 2 U.S.C. §§ 441a or 441b by making excessive in-kind contributions.
  - b. Find no reason to believe that the New Hampshire Republican State Majority Committee violated 2 U.S.C. § 441i(b)(1) by making disbursements for federal election activity from funds not subject to the limitations, prohibitions, and reporting requirements of the Act.
  - c. Find no reason to believe that the New Hampshire Republican State Majority Committee violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11 by failing to include adequate disclaimers.
  - d. Find no reason to believe that Friends of Kelly Ayotte, and H. Scott Flegal, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a, 441b, or 434 by knowingly accepting or failing to report an excessive or prohibited in-kind contribution.

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- e. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated August 29, 2011, subject to edits previously circulated and pursuant to the meeting discussion.
- f. Approve the appropriate letters.

Commissioners Hunter, McGahn II, and Petersen voted affirmatively for the motion.

Commissioners Bauerly, Walther, and Weintraub dissented.

2. Decided by a vote of 6-0 to:

- a. Find no reason to believe that the New Hampshire Republican Senate Majority Committee violated 2 U.S.C. §§ 432, 433, and 434 by failing to organize, register, and report as a political committee, subject to the circulation of a revised Factual and Legal Analysis pursuant to the meeting discussion.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 3, 2011  
Date

Shelley E. Gaur  
Shelley E. Gaur  
Deputy Secretary of the Commission

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